ATTACHMENT A

An Amendment to the Water Quality Control Plan for the Colorado River Basin Region to Establish a Conditional Prohibition for Agricultural Wastewater Discharges Originating within the Palo Verde Valley and the Palo Verde Mesa, and to Incorporate an Implementation Plan.

Proposed changes are in reference to the Basin Plan as amended through 2008. Proposed additions are denoted by <u>underlined text</u>, proposed deletions are denoted by <u>strikethrough text</u>

AMENDMENT

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TO "CHAPTER 4 - IMPLEMENTATION, I. INTRODUCTION" REVISE SECTION "A." AS FOLLOWS:

A. REGIONAL BOARD GOALS AND MANAGEMENT PRINCIPALS PRINCIPLES

TO "CHAPTER 4 – IMPLEMENTATION, II. POINT SOURCE CONTROLS" REVISE TEXT AND FORMAT FOR SECTION "H. SEPTIC SYSTEMS" AS FOLLOWS:

H. SEPTIC SYSTEMS

1. INTRODUCTION

Pursuant to Section 13224, Article 2, Chapter 4 of the California Water Code, the Colorado River Basin Region may issue policy statements relating to any water quality matter within its jurisdiction. Septic systems (all on-site wastewater treatment systems) have the potential to degrade the water within the Region's jurisdiction if improperly used. For this reason, the Regional Board has established guidelines and a general permit for such systems.

The 1979 "Guidelines for Sewage Disposal From I Land Developments" (herein referred to as the guidelines) describe the appropriate use of septic tank systems. Also discussed is the role which the county governments have in the placement and allowance of these systems. The guidelines describe what types of discharges need Waste Discharge Requirements and what types of discharges qualify for a waiver under Water Code Sections 13260 and 13269, respectively. To eliminate confusion, systems which should adhere to the guidelines are also described. However, the bulk of the guidelines describe minimum design criteria where septic systems can be placed to protect groundwater quality.

The guidelines are reviewed and revised as necessary. At this time some local governments in the Region have prohibitions on septic systems.

Since January 1993, the Regional Board has required all new vehicle maintenance facilities which use septic systems as a wastewater disposal method to file for a general discharge permit. It has been shown that some septic systems for auto maintenance facilities have been contaminated with petroleum hydrocarbons. The general permit describes appropriate designs for septic systems used at vehicle maintenance shops and requires analysis, monitoring and reporting. By requiring these items, it is anticipated that pollution from these systems can be identified and stopped prior to extensive contamination.

2. CONDITIONAL DISCHARGE PROHIBITIONS FOR SEPTIC SYSTEMS

A. Cathedral City Cove

On and after January 1, 2012, the discharge of wastewater into the ground through the use of individual subsurface disposal systems in the Cove area of Cathedral City in Riverside County is prohibited. Cathedral City Cove is that area of the city bound to the south by Cathedral City city limits as of January 1, 2012, to the east by the East Cathedral Canyon Channel, to the west by the West Cathedral Canyon Channel, and to the north east by the extension of the West Cathedral Canyon Channel, as depicted in the USGS Cathedral City Quad Map photorevised photo-revised in 1981.

B. Cathedral City Cove_- Reports

On October 17, 2002, the State Water Resources Control Board approved a \$2,809,000.00 grant to the city of Cathedral City for Cove area septic system elimination. Pursuant to Section 13225 of the Water Code, by May 21, 2004 the City of Cathedral City shall submit to the Regional Board a report describing an implementation plan to comply with the January 1, 2012 prohibition date. Thereafter, the city shall submit annual reports to the Regional Board regarding any actions taken by the city of Cathedral City or any other person or entity in order to achieve compliance by January 1, 2012.

C. Mission Creek or Desert Hot Springs Aquifers

The following language implements Porter-Cologne Water Quality Control Act Section 13281.

Effective January 21, 2005:

- (1) The discharge of waste from new or existing individual disposal systems on parcels of less than one-half acre that overlie the Mission Creek Aquifer or the Desert Hot Springs Aquifer in Riverside County is prohibited, if a sewer system is available.
- (2) For parcels of one-half acre or greater that overlie the Mission Creek Aquifer or the Desert Hot Springs Aquifer in Riverside County, the maximum number of equivalent dwelling units with individual disposal systems shall be two per acre, if a sewer system is available. The discharge of waste from additional new or existing individual disposal systems is prohibited, if a sewer system is available. The term "equivalent dwelling unit" means a building designed to be used as a home by the owner of such building, which shall be the only dwelling located on a parcel of ground with the usual accessory buildings. This definition is from Section 221.0 of the 1997 edition of the Uniform Plumbing Code of the International Association of Plumbing and Mechanical Officials, and any authority interpreting that section shall be relevant in interpreting this prohibition.

If a sewer system becomes available after January 21, 2005, Prohibitions (1) and (2) in the preceding paragraph shall apply to discharges of waste from all new or existing individual disposal systems on all parcels to which the sewer system becomes available.

A sewer system is "available" if a sewer system, or a building connected to a sewer system, is within 200 feet of the existing or proposed dwelling unit, in accordance with Section 713.4 of the 1997 edition of the Uniform Plumbing Code of the International Association of Plumbing and Mechanical Officials.

State Water Resources Control Board awarded two grants to Mission Springs Water District for a total of \$2,800,000 for the elimination of disposal systems (septic tanks) on parcels less than one-half acre overlying the Desert Hot Springs and Mission Creek Aquifers if sewer is available. Pursuant to Section 13225 of the Water Code, by November 18, 2005, the Mission Springs Water District shall submit to the Regional Board a report describing actions taken to implement the subject prohibition.

TO "CHAPTER 4 – IMPLEMENTATION, III. NONPOINT SOURCE CONTROLS", REVISE AND FORMAT TEXT FOR SECTION "A. AGRICULTURE" AS FOLLOWS:

III. NONPOINT SOURCE CONTROLS

Despite California's significant achievements in controlling point source discharges, such as wastewater from municipal treatment plants and industrial facilities, many of the State's valuable water resources continue to be polluted by nonpoint sources (NPS). NPS water pollution is generally caused by poor land use practices and the collective effects of individual behavior. It is distinguished from point sources which discharge wastewater of predictable concentrations and volumes. NPS pollution is diffuse throughout a watershed, variable in nature, and most significant in its cumulative effects. Management of NPS water pollution is also distinguished from point source management because it requires an array of control techniques customized to local watershed conditions, rather than relying exclusively on waste discharge requirements as with individual point source facilities. Land uses associated with NPS water pollution include agriculture, forestry, urban development, grazing, water development, inactive mines, and boating and marinas.

Impacts from land uses to California's water resources continue. Unless these uses are managed in a way which will minimize NPS impacts, the resource values will diminish, lowering land values and discouraging future use. The challenge of nonpoint source pollution management is to implement economically achievable protections which will preserve the resources upon which California's quality of life and economic vitality depend.

The Federal Clean Water Act, as amended in 1987, includes Section 319 titled "Nonpoint Source Management Programs". Section 319 requires the States to develop assessment reports and management programs describing the States' nonpoint source problems and setting forth a program to address the problems. The State Water Resources Control Board (State Board) adopted its "Nonpoint Source Management Plan" in November 1988. The Plan was updated in December 1999 with adoption of the "Plan For California's Nonpoint Source Pollution Control Program," (hereafter referred to as "State NPS Program"), including "Volume I: Nonpoint Source Program Strategy and Implementation Plan for 1998-2013 (PROSIP)" and "Volume II: California Management Measures for Polluted Runoff (CAMMPR)" (adopted December 14, 1999, SWRCB

Resolution No. 99-114). This Plan has an approach to NPS water quality control whereby the following are implemented as needed:

A. AGRICULTURE

1. INTRODUCTION

Agricultural <u>wastewater</u> discharges, primarily irrigation return flows, constitute the largest volume of pollution entering surface waters in this Region. The agricultural drains/drain systems in this Region support significant beneficial uses as identified in Chapter 2 of this Plan. In an effort to protect and enhance these uses, the Regional Board adopted the "Agricultural Drainage Management (ADM) Report for the Colorado River Basin Region" in March 1992. This report established priorities for dealing with the drain systems based on a watershed approach. Drainage entities (e.g. water districts), including Imperial Irrigation District, Coachella Valley Water District, and Palo Verde Irrigation District, were identified in each of four watersheds, and the Regional Board will work closely with these entities to implement agricultural pollution controls.

The preferred approach toward addressing nonpoint source pollution is to deal with the problem on a watershed basis. The Salton Sea Transboundary Watershed has been identified as this Region's highest priority for control of agricultural pollution, based mainly on its relatively large size, the beneficial uses of waters in the watershed, the volume of discharge, and the severity of water quality degradation. California's 1998 Unified Watershed Assessment identified the Salton Sea Transboundary Watershed as a Category 1 (impaired) watershed.

The effectiveness over time of agricultural pollution controls is much more likely if all involved parties (e.g. farmers, local officials, the public) are informed of these activities and play a role in their development and implementation. In recognition of this, the state and federal nonpoint source programs contain significant outreach and educational components. In addition to working with the identified drainage entities, the Regional Board will continue to work with local Resource Conservation Districts, the U.S. Natural Resource Conservation Service, the State Department of Pesticide Regulation, the State Department of Food and Agriculture, County Agricultural Commissioners, college and university agricultural extension services, local Farm Bureaus, and stakeholder groups. The Regional Board also has the responsibility of coordinating and overseeing implementation of federal and state grants and loans programs that provide resources to local entities for control of nonpoint source pollution. The Regional Board will provide technical and educational assistance on pollution control as requested by local groups and will collect and make available information on successful pollution control activities in other regions and other states.

2. CONDITIONAL DISCHARGE PROHIBITIONS FOR AGRICULTURE

A. <u>Imperial Valley Sedimentation/Siltation</u>

A prohibition of sediment/silt discharge is hereby established for the Imperial Valley, including the Alamo River, New River, all Imperial Valley Drains, and their tributaries. Specifically, beginning three months after USEPA approval, the direct or indirect discharge of sediment into the Imperial Valley is prohibited, unless:

The Discharger is:

- In compliance with applicable Sedimentation/Siltation TMDL(s), including implementation provisions (e.g., Discharger is in good standing with the ICFB Watershed Program or has a Drain Water Quality Monitoring Plan (DWQMP) approved by the Executive Officer); or
- Has a monitoring and surveillance program approved by the Executive Officer that demonstrates that discharges of sediment/silt into the aforementioned waters do not violate or contribute to a violation of the TMDL(s), the anti-degradation policy (State Board Resolution No. 68-16), or water quality objectives; or
- <u>Is covered by Waste Discharge Requirements (WDRs) or a Waiver of WDRs that applies</u> to the discharge.

TMDL compliance groups have formed to address issues regarding wastewater discharge from irrigated lands to waters of the State. Individual Dischargers are not required by the Regional Board to join in TMDL compliance groups. Individual Dischargers who choose not to participate in TMDL compliance groups must file a Report of Waste Discharge for general or individual Waste Discharge Requirements. Compliance with the prohibition will be determined with respect to each individual Discharger, whether or not the Discharger is a member of a compliance group. The intent of this prohibition is to control to the degree practicable sediment/silt discharges from irrigated lands in amounts that violate or contribute to a violation of state water quality standards.

B. Palo Verde and Palo Verde Mesa

Beginning three (3) months after OAL approval, the direct or indirect discharge of agricultural wastewater from the Palo Verde Valley and Palo Verde Mesa into waters of the state shall be prohibited unless a Discharger/Responsible Party complies with the conditions discussed below.

For the purposes of compliance with this conditional prohibition, agricultural wastewaters are defined as:

- storm water runoff from irrigated lands; and
- <u>irrigation return water, which includes surface discharges (also known as "tailwater"), and subsurface discharges (known as "tile water" in tiled areas, or "seepage" in areas not tiled.)</u>

For the purposes of compliance with this conditional prohibition, Dischargers/Responsible Parties are defined as:

- farmland owners, renters/lessees, and operators/growers in the Palo Verde Valley and Palo Verde Mesa, who discharge or may discharge agricultural wastewater that could affect the quality of waters of the State; and
- the Palo Verde Irrigation District (PVID) and individuals who conduct drain operation and maintenance activities that cause a discharge of dredging wastes, which could affect the quality of waters of the State.

<u>Conditions for Discharging Agricultural Wastewater (directly or indirectly) into the Palo</u> Verde Valley and Palo Verde Mesa:

- Enrollment into a Group Compliance Program, approved by the Executive Officer, and compliance with Group Compliance Program requirements; or
- Submittal directly to the Regional Board, an individual water quality management plan (WQMP) and, if applicable, a drain water quality plan (DWQP) for approval by the Executive Officer, and implementation of the approved WQMP/DWQP; or
- <u>Submittal of a Report of Waste Discharge for general or individual Waste Discharge Requirements.</u>

B.1. Compliance Program Requirements Designated for PVID

PVID has committed to manage a Group Compliance Program. The scope of this management includes: developing program elements; outreach programs, and mechanisms to encourage and foster an effective self-determined approach to attain water quality objectives. To implement this program, PVID has committed to provide every **Farmer and Drain Maintenance Entity** information necessary to comply with this Compliance Program. Specific goals of the Group Compliance Program to be managed by PVID include:

- coordinating an educational program to educate farmers on how to reduce pollutants leaving their fields,
- coordinating workshops with local technical assistance agencies, and
- cooperating with Regional Board staff to track and report WQMP effectiveness.

PVID, together with Regional Board staff, has developed a Monitoring and Reporting Program (MRP) titled "Palo Verde Water Quality Monitoring Plan; August 2005 Revised by PVID September 14, 2005" to assist farmers and the Regional Board to implement this Basin Plan amendment. Advantages for enrolling into PVID's Group Compliance Program include: group monitoring and reporting, and the opportunity to participate in outreach and education events sponsored by PVID.

In order for PVID to manage its Group Compliance Program in full compliance with the NPS Policy, PVID must complete the following:

Three (3) months following USEPA approval of this amendment:

Submit a Group Compliance Program Plan that includes:

- the name of the Group Compliance Program;
- <u>suggested format(s) to prepare Individual WQMPs and DWQPs, including deadlines for submittal;</u>
- a proposal to establish and maintain membership requirements, including protocols to enlist;
- outreach and education activities, and
- scheduled workshops to coordinate with technical assistance agencies.

In addition, PVID's DWQP and DMRP must be submitted with the Group Compliance Program Plan, for review and approval by the Executive Officer. Following approval, the Group Compliance Program Plan becomes a component of the Group Compliance Program.

One (1) month following Executive Officer approval of Group Compliance Program Plan:

Begin implementation of the approved Group Compliance Program and issue letters to all potential participants within Palo Verde Valley and Palo Verde Mesa. Prepare and submit a Quality Assurance Project Plan (QAPP) for approval.

One (1) month following approval of the QAPP:

Begin implementing the Group's MRP.

Two (2) months following Executive Officer approval of Group Compliance Program Plan:
Submit a letter to the Regional Board certifying the Group has begun implementing the Group
Compliance Program.

Six (6) months following Executive Officer approval:

Submit to the Regional Board a Group WQMP/DWQP in electronic and tabular format. The Group WQMP/DWQP must include a copy of all the Individual WQMPs/DWQPs. Subsequent annual group WQMPs/DWQPs must be included in the Annual Report submitted to the Regional Board by February 20th of every year.

By February 20th of every year:

Submit to the Executive Officer an Annual Report and an Annual Monitoring Report (AMR).

All documents and reports:

Shall contain a penalty of perjury statement, and must be signed and dated by a duly authorized PVID representative. The penalty of perjury statement shall be formatted as follows:

CONDITIONAL PROHIBITION FOR AGRICULTURAL WASTEWATER DISCHARGES ORIGINATING WITHIN THE PALO VERDE VALLEY AND THE PALO VERDE MESA

RESOLUTION NO. R7-2010-0033

(Insert Name of Report/Document) for (Insert Name of Group Compliance Program):

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

| Signature: | |
|---------------|--|
| Date: | |
| Printed Name: | |
| Title: | |

B.2. Compliance Program Requirements Designated for Programs Managed by Entities Other Than PVID

As indicated previously, Responsible Parties may join the Group Compliance Program managed by PVID, or join a Group Compliance Program managed by another entity. Responsible Parties electing to join another Group Compliance Program must comply with the following:

Three (3) months following USEPA approval of this basin plan amendment:

Submit a Group Compliance Program Plan that includes:

- name of the Group Compliance Program;
- names and business addresses of group participants;
- names, addresses, and phone numbers of group's primary contact(s) or representative(s);
- <u>suggested format(s) to prepare Individual WQMPs and DWQPs, including deadlines for submittal;</u>
- a proposal to establish and maintain group membership requirements, including protocols to enlist;
- outreach and education activities; and
- scheduled workshops to coordinate with technical assistance agencies.

In addition, a Group MRP (including DMRP if applicable) must be submitted to the Executive Officer for review and approval, along with the Group Compliance Program Plan. Once approved, the Group Compliance Program Plan and Group MRP comprise the Group Compliance Program.

One (1) month following Executive Officer approval of the Group Compliance Program:

Begin implementation of Group Compliance Program, prepare and submit a QAPP for Regional Board approval.

One (1) month following approval of the QAPP:

Begin implementing the Group MRP.

Two (2) months following Executive Officer approval of the Group Compliance Program:

Submit a letter to the Regional Board certifying the Group has begun implementing the Group Compliance Program.

Six (6) months following Executive Officer approval of the Group Compliance Program:

Submit to the Regional Board a Group WQMP/DWQP in electronic and tabular format. The Group WQMP/DWQP shall include a copy of all Individual WQMPs/DWQPs. Subsequent annual group WQMPs/DWQPs must be included in the Annual Report submitted to the Regional Board by February 20th of every year.

By February 20th of every year:

Submit to the Executive Officer an Annual Report and an AMR.

All documents and reports:

Must contain a penalty of perjury statement, and must be signed and dated by a duly authorized group representative. The penalty of perjury statement shall be formatted as follows:

CONDITIONAL PROHIBITION FOR AGRICULTURAL WASTEWATER DISCHARGES ORIGINATING WITHIN THE PALO VERDE VALLEY AND THE PALO VERDE MESA

RESOLUTION NO. R7-2010-0033

(Insert Name of Report/Document) for (Insert Name of Group Compliance Program):

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

| Signature: |
|---------------|
| Date: |
| Printed Name: |
| Title: |

B.3. Compliance Program Requirements Designated for Responsible Parties That Elect to Develop Individual Compliance Programs

Responsible Parties who elect to develop and implement Individual Compliance Programs rather than participate in the Group Compliance Program PVID will manage, or in a Group Compliance Program managed by other entities, must comply with the following Individual Compliance Program requirements:

Three (3) months following USEPA approval of this amendment:

Submit a proposed Individual WQMP (including DWQP if applicable) and Individual MRP (including DMRP if applicable) for review and approval by the Executive Officer. Following approval, the Individual WQMP and Individual MRP comprise the Individual Compliance Program Plan.

One (1) month following Executive Officer approval of the Individual Compliance Program:

Prepare and submit a QAPP.

One (1) month following approval of QAPP:

Begin implementing the Individual MRP (including DMRP if applicable).

By February 20th of every year:

Submit to the Executive Officer an Annual Report and an AMR.

All documents and reports:

Must contain a penalty of perjury statement and must be signed and dated by a duly authorized representative. The penalty of perjury statement shall be formatted as follows:

CONDITIONAL PROHIBITION FOR AGRICULTURAL WASTEWATER DISCHARGES ORIGINATING WITHIN THE PALO VERDE VALLEY AND THE PALO VERDE MESA

RESOLUTION NO. R7-2010-0033

(Insert Name of Report/Document) for (Insert Name of Individual Compliance Program):

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the

information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

| Signature: | |
|---------------|--|
| Date: | |
| Printed Name: | |
| Γitle: | |

B.4. Regional Board Compliance Assurance and Enforcement

Regional Board staff is proposing that the Regional Board hold public hearings at least once every three years to review the effectiveness of Group and Individual Compliance Programs and MP implementation, and compliance with applicable water quality objectives. The first public hearing will be held within three (3) years from the date of USEPA approval of this amendment. Hearings shall address the following:

- Monitoring results;
- Progress attaining milestones;
- Trends in implementation of MPs
- Modification/addition of MPs to control constituents of concern and baseline constituents;
- Possible development of site-specific water quality objectives and/or subcategories of water quality standards provided Responsible Parties demonstrate full implementation of Compliance Programs and document MPs are properly implemented and maintained, and that additional controls will result in substantial and widespread economic and social impacts; and
- Enforcement actions taken or proposed to ensure compliance with the prohibition.

Enforcement

Consequences of noncompliance for Responsible Parties with approved Compliance Programs (other than PVID or other designated management entities) may be significant. Initially, enforcement efforts will focus on Responsible Parties who fail to enroll in a program, or make an inadequate attempt to meet their Compliance Plan development and reporting responsibilities, even though informed of the conditional prohibition's requirements. Responsible Parties who choose not to participate in an Individual or Group Compliance Program, or who choose not to file a Report of Waste Discharge to obtain individual Waste Discharge Requirements, will be in potential violation of the law.

Enforcement options available to the Regional Board are clearly defined in the State Water Board's Water Quality Enforcement Policy. The Executive Officer may use any combination of the following actions to ensure water quality impacts identified by Compliance Programs or Regional Board staff are promptly and effectively corrected:

 Implement and enforce Sections 13225, 13267, and 13268 of the California Water Code to ensure Responsible Parties submit in a prompt and complete manner the required documents prescribed in Section VII.C, or a Report of Waste Discharge in lieu of these documents.

- Require submission of a Report of Waste Discharge pursuant to CWC Section 13260 so that the Regional Board may consider prescribing Waste Discharge Requirements pursuant to CWC Section 13263, to Responsible Parties failing to comply with the requirements of an Individual or Group Compliance Program.
- Issue cleanup and abatement enforcement orders pursuant to CWC Section 13304 to Responsible Parties failing to comply with Individual or Group Compliance Programs, or violating Regional Board Waste Discharge Requirements.
- Prepare for Regional Board consideration of adoption cease and desist enforcement orders pursuant to CWC Section 13301 to Responsible Parties violating Regional Board Waste Discharge Requirements, or this conditional prohibition.
- <u>Issue Administrative Civil Liability Complaints (ACLs)</u>, <u>pursuant to CWC Sections 13261</u>, <u>13264</u>, <u>or 13268</u>, <u>against Responsible Parties failing to comply with Regional Board orders</u>, prohibitions, and/or requests.
- Refer recalcitrant violators of Regional Board orders and prohibitions to the District Attorney or Attorney General for criminal prosecution or civil enforcement.

Similar enforcement options are available to the Regional Board for PVID and other management entities failing to comply with the designated management entity requirements. For example, grounds for formal enforcement action may include the management entity's failure to submit and implement a report addressing potential impacts from dredging operations, or failing to achieve goals and milestones. This may cause the Regional Board to rescind the Group Compliance Program, requiring every Responsible Party enrolled in the rescinded Group Compliance Program to:

- enroll in another approved Group Compliance Program and comply with the requirements specified above for that group (i.e., "Designated Management Requirements for Group Compliance Programs Managed by Entities Other Than PVID"); or
- <u>deal directly with the Regional Board, and comply with management requirements specified</u> for responsible parties that do not join a group compliance program.

TO "CHAPTER 4 - IMPLEMENTATION, VII. PROHIBITIONS" MAKE THE FOLLOWING CHANGES TO SECTION "A. IMPERIAL VALLEY SEDIMENTATION/SILTATION":

VII. PROHIBITIONS

A. IMPERIAL VALLEY SEDIMENTATION/SILTATION

A prohibition of sediment/silt discharge is hereby established for the Imperial Valley, including the Alamo River, New River, all Imperial Valley Drains, and their tributaries. Specifically, beginning three months after USEPA approval, the direct or indirect discharge of sediment into the Imperial Valley is prohibited, unless:

1. The Discharger is:

a. In compliance with applicable Sedimentation/Siltation TMDL(s), including implementation provisions (e.g., Discharger is in good standing with the ICFB

Watershed Program or has a Drain Water Quality Monitoring Plan (DWQMP) approved by the Executive Officer); or

b. Has a monitoring and surveillance program approved by the Executive Officer that demonstrates that discharges of sediment/silt into the aforementioned waters do not violate or contribute to a violation of the TMDL(s), the anti-degradation policy (State Board Resolution No. 68-16), or water quality objectives; or

c. Is covered by Waste Discharge Requirements (WDRs) or a Waiver of WDRs that applies to the discharge.

TMDL compliance groups have formed to address issues regarding wastewater discharge from irrigated lands to waters of the state. Individual Dischargers are not required by the Regional Board to join in TMDL compliance groups. Individual Dischargers who choose not to participate in TMDL compliance groups must file a Report of Waste Discharge for general or individual Waste Discharge Requirements. Compliance with the prohibition will be determined with respect to each individual Discharger, whether or not the Discharger is a member of a compliance group. The intent of this prohibition is to control to the degree practicable sediment/silt discharges from irrigated lands in amounts that violate or contribute to a violation of state water quality standards.